

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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CIVIL ACTION  
2:10-CV-02933-CDJ

DAVID M. KOLLER

Plaintiff,

PROPOSED ORDER

v.

RILEY RIPER HOLLIN & COLAGRECO

Defendant.

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**ORDER**

And now, this      day of September, 2010, upon consideration of Defendant's Motion for Dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6) and Plaintiff's Response thereto, and all proceedings therein, it is hereby **ORDERED** that the Motion is **DENIED** and Defendant is **ORDERED** to Answer the Complaint filed in this matter.

BY THE COURT:

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C. Darnell Jones II, J.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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CIVIL ACTION  
2:10-CV-02933-CDJ

DAVID M. KOLLER

Plaintiff,

ORAL ARGUMENT  
REQUESTED

v.

RILEY RIPER HOLLIN & COLAGRECO

Defendant.

-----x

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR  
DISMISSAL PURSUANT TO FRCP 12(b)(6)**

Plaintiff, David M. Koller, hereby responds to Defendant Riley Riper Hollin & Colagreco's Motion for Dismissal of Plaintiff's Complaint and in support thereof, Plaintiff specifically denies each and every allegation, except as expressly admitted below:

1.-4. The averments set forth in these paragraphs are conclusions of law to which no response is required. To the extent a response is required, the averments in these paragraphs are denied.

5. The averments contained in this paragraph do not require a response.

WHEREFORE, Plaintiff respectfully requests that the Court deny Defendant's Motion for Dismissal or in the alternative allow Plaintiff to file an Amended Complaint, and further that the Court enter such other relief as it deems just and proper.

s/Mark D. Schwartz  
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Attorney for Plaintiff,  
David M. Koller

Dated: September 7, 2010